REMARKS

Claims 1-33 are pending in the application. Claims 1-2, 6-8, 10, 13, 15-17, 19, 22, 24-26, 28, 31, and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0037192 to Shimamoto et al. Claims 3-4, 9, 18, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimamoto in view of U.S. Patent No. 6,243,717 to Gordon et al. Claims 5, 11, 20, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimamoto in view of U.S. Patent No. 6,623,529 to Lakritz. Claims 12, 21, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimamoto in view of Lakritz and U.S. Patent No. 6,633,742 to Turner et al.

Reconsideration is requested. No new matter is added. The rejections are traversed. The specification is amended. Claims 1, 3-4, 6-10, 12-16, 18-19, 21-28, 30-32 are amended. Claims 5, 11, 20, 29, and 33 are canceled. Claims 34-38 are added. Claims 1-4, 6-10, 12-19, 21-28, 30-32, and 34-38 remain in the case for consideration.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102(e)

Claims 1, 6, 15, and 24 have been amended to include features of claims 5, 11, 20, and 29, respectively. As claims 5, 11, 20, and 29 were not anticipated by Shimamoto, the amended independent claims are no longer anticipated under § 102(e) by Shimamoto.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103(a)

Rejection over Shimamoto in view of Lakritz

Referring to claim 1, the invention is directed toward apparatus for determining a language for a user, comprising: a computer; a directory entry for the user, the directory entry stored in the computer and including identity information for the user; location information for a location from which the computer can be accessed; a ranker for ranking a plurality of languages based on at least the directory entry and the location information; and a selector for selecting one of the plurality of languages with a highest rank.

Referring to claim 6, the invention is directed toward a method for determining a preferred language for a user, comprising: logging the user into a computer with login information; using the login information to identify a directory entry for the user; determining a first language from the directory entry for the user; determining a second language based on a location of the user; ranking the first and second languages; and selecting a highest ranked language as the preferred language.

Referring to claim 15, the invention is directed toward a computer-readable media containing a program to determine a preferred language for a user, the program comprising: logging software to log the user into a computer with login information; using software to use the login information to identify a directory entry for the user; identification software to identify a first language from the directory entry for the user; identification software to identify a second language based on a location of the user; ranking software to rank the first and second languages; and selection software to select a highest ranked language as the preferred language.

Referring to claim 24, the invention is directed toward an article comprising: a computer-readable modulated carrier signal; means embedded in the signal for logging a user in to a computer with login information; means embedded in the signal for using the login information to identify a directory entry for the user; means embedded in the signal for identifying a first language from the directory entry for the user; means embedded in the signal for identifying a second language based on a location of the user; means embedded in the signal for ranking the first and second languages; and means embedded in the signal for selecting as a preferred language a highest ranked language.

In contrast, Shimamoto teaches displaying web content in different languages by determining a language for a user based on a language field in a user table. Figure 2 of Shimamoto shows an example of a user table including a language field. Shimamoto also teaches determining a language based on the geographical region that the user's company is located in, or a user's IP address to determine the user's country. Once a geographical region or country is identified, the system automatically selects the appropriate language for the geography or country. As noted by the Examiner, Shimamoto does not teach or suggest any ranking of languages for display of the web content.

Lakritz teaches a system for creating and managing multiple languages for display of website content. According to column 20, lines 29-34, when a user visits a website, a preferred language is sought in the viewer's browser settings. If there is no preferred language set in the browser, column 20, lines 65-67 teach using automatic language selection to determine the language. For automatic language selection, Lakritz obtains the country of the user, and then looks up the corresponding languages for that country in a database as taught in column 20, lines 54-58. In column 5, lines 65-66, cited by the Examiner, Lakritz provides an example of a database entry lists Arabic, French, English and Berber as the languages of Egypt. Lakritz then traverses the list of languages in order and selects the first

MJM Docket No. 6647-029   Page 10 of 15   Application Ser. No. 10/066,368

PAGE 11/16 * RCVD AT 10/13/2005 7:35:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:5032744622 * DURATION (mm-ss):05-42

language from the list that is available for the desired website as taught in column 20, lines 36-38 and column 21, lines 9-11.

While Lakritz does provide a sorted list of languages in a database, it does not provide a means of ranking languages based on directory entry and location information as described in the amended claims. The list in Lakritz is a static list stored in a database. Its order is determined in advance of its use, and used throughout the system for people in the country. Anyone using a computer in Egypt, for example, is provided the same list, regardless of what their personal preferences might be. Thus, while the list used by Lakritz might be a list of languages based on a country, it is not a ranking of languages based on a directory entry and location information, as described in the claims.

Shimamoto suggests using a directory entry for language but does not talk about any ranking of languages. Lakritz talks about a ranked list of languages according to a country, but does not suggest a directory entry. Not only does Lakritz fail to teach or suggest ranking languages from a directory entry and location information, it fails to teach or suggest a ranking of languages from any combination of sources.

Because neither Shimamoto nor Lakritz teach or suggest ranking languages based on both a directory entry and location information, claims 1, 6, 15 and 24 are patentable under 35 U.S.C. § 103(a) over Shimamoto in view of Lakritz. Accordingly claims 1-4, 6-10, 12-19, 21-28, 30-32, and 34-39 are allowable.

New claims 34-37 have been added to include a directory entry with a plurality of languages. Support for these claims can be found in the specification on page 6, lines 11-14, describing FIG. 3. Directory entry 335 provides John Doe with more than one language: specifically, English and Spanish.

As discussed above, Shimamoto describes using a language field in a user table to identify a user's language, and Lakritz teaches a sorted list of languages associated with a country. But Shimamoto fails to teach or suggest a user table that allows for more than one language to be associated with a table entry. Lakritz fails to teach or suggest ranking languages based on a directory entry. Therefore, both Shimamoto and Lakritz fail to teach or suggest the concept of a directory entry storing multiple languages, as claimed in claims 34-37.

In addition, neither Shimamoto nor Lakritz suggest how multiple sets of languages might be combined. The references fail to make this suggestion because they do not need to: each reference assumes it is only dealing with one source of languages. But this means that

MJM Docket No. 6647-029   Page 11 of 15   Application Ser. No. 10/066,368

PAGE 12/16 * RCVD AT 10/13/2005 7:35:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:5032744622 * DURATION (mm-ss):05-42

the combination fails to teach an important element: how to combine multiple sets of languages. Thus, the combination of Shimamoto and Lakritz does not make obvious claims 34-37, as significant experimentation would be needed to determine how to combine the lists of languages.

Because neither Shimamoto nor Lakritz teach or suggest ranking languages from a plurality of languages in a directory entry and associated with location information, claims 34-37 are allowable under 35 U.S.C. § 103(a) over Shimamoto in view of Lakritz.

With reference to the dependent claims, the introduction of more sources of languages allow for more sophisticated ranking of languages. For example, claims 3-4, 9, 18, 27, and 38 claim inheriting a language from a container, and claims 12, 21 and 30 explicitly claim the addition of the language in the browser setting to be included in the ranking scheme. Even if Lakritz could be read as teaching ranking languages from a directory entry and location information, it does not teach or suggest the ranking of languages from a directory entry, location information additional sources such as these, nor do Shimamoto or Lakritz suggest that other sources such as these could be used. Thus, there is no motivation to combine Shimamoto and Lakritz with references teaching other sources of languages.

Rejection over Shimamoto in view of Lakritz and Gordon

Referring to claim 3, the invention is directed toward an apparatus according to claim 1, further comprising: a container hierarchy, the container hierarchy including at least a first container, the first container including a second container, the second container including the directory entry; and the second container including a default language.

Referring to claim 4, the invention is directed toward an apparatus according to claim 3, wherein the directory entry can inherit the default language from the second container.

Referring to claim 9, the invention is directed toward a method according to claim 7, wherein: determining the first language includes determining that no language is specified in the identity information in the directory entry; and the method further comprises inheriting the first language from a container of the directory entry.

Referring to claim 18, the invention is directed toward a program according to claim 16, wherein: the identification software to identify a first language includes determination software to determine that no language is specified in the identity information in the directory entry; and the program further comprises inheritance software to inherit the first language from a container of the directory entry.

Referring to claim 27, the invention is directed toward an article according to claim 25, wherein: the means embedded in the signal for identifying the first language includes means embedded in the signal for determining that no language is specified in the identity information in the directory entry; and the article further comprises means embedded in the signal for inheriting the first language from a container of the directory entry.

Referring to claim 38, the invention is directed toward an apparatus according to claim 3, wherein: the first container includes a second default language; and the directory entry can inherit the second default language from the first container.

All of these claims discuss the concept of inheritance and/or a container hierarchy. Support for the container hierarchy is shown in FIG. 3 of the application and described on page 5, line 8, through page 7, line 3.

Shimamoto and Lakritz have been described above. Gordon teaches a way to customize content with a user's preferred language. Gordon associates a language with a user ID. Gordon also teaches associating a default language with the user when no language is already affiliated with the user. As shown in Figure 10 of Gordon, user IDs are associated with a particular language, and when the user logs into the system, the language associated with the user ID is obtained. Where no language is associated with a user ID, step 590 of Gordon provides that a default language may be used instead.

While step 590 of Figure 10 of Gordon shows using a default language where no language is associated with a user, Gordon fails to teach or suggest a container, let alone a container hierarchy, for the directory entry. Furthermore, Gordon does not teach inheritance of a language from the container, or a container hierarchy. The Examiner acknowledges this, and states that the concept of inheritance in object oriented software development is well known in the art. However, the Applicant believes that inheritance of a language from a container in the context of determining a user's preferred language as claimed is not obvious, and requests that the Examiner either identify a reference that teaches this concept or withdraw the rejection.

It is suggestive that the Examiner found four references discussing language identification (Shimamoto, Lakritz, and Gordon, discussed above, and Turner, discussed below), yet none of the cited references teaches, suggests, or even hints at inheritance of any kind, much less inheritance of a language. If the references were as thorough as the Examiner asserts, then it would be expected that at least one of the references would have mentioned or suggested inheritance. But none of them did. This suggests that inheritance of

MJM Docket No. 6647-029   Page 13 of 15   Application Ser. No. 10/066,368

PAGE 14/16 * RCVD AT 10/13/2005 7:35:53 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID:5032744622 * DURATION (mm-ss):05-42

a language from a container or a container hierarchy is not obvious over Shimamoto in view of Lakritz and Gordon.

Because none of Shimamoto, Lakritz, or Gordon teach or suggest inheritance of languages from a container, or a container hierarchy, claims 3-4, 9, 18, 27, and 38 are patentable under 35 U.S.C. § 103(a) over Shimamoto in view of Lakritz and Gordon. Accordingly, claims 3-4, 9, 18, 27, and 38 are allowable.

Rejection over Shimamoto in view of Lakritz and Turner

Referring to claim 12, the invention is directed toward a method according to claim 6, wherein: the method further comprises determining a third language from a browser; and ranking the first and second languages includes ranking the first, second, and third languages.

Referring to claim 21, the invention is directed toward a program according to claim 15, wherein: the program further comprises identification software to identify a third language from a browser; and the ranking software includes ranking software to rank the first, second, and third languages.

Referring to claim 30, the invention is directed toward an article according to claim 24, wherein: the article further comprises means embedded in the signal for determining a third language from a browser; and the means embedded in the signal for ranking means embedded in the signal for includes ranking the first, second, and third languages.

Claims 12, 21, and 30 all describe ranking languages from three different sources: a directory entry, location information, and a browser.

Shimamoto and Lakritz have been described above. Turner teaches using a browser to determine a preferred language. In column 21, lines 29-30, Turner explains how a user can set a language in a browser setting. The Examiner acknowledges that Turner does not teach or suggest a ranking of languages from a browser and any other source. The same is true of Shimamoto. To overcome this, the Examiner cites to Lakritz for teaching a ranking of languages. However, as discussed above Lakritz fails to teach or suggest ranking languages from a directory entry and location information. Similarly, Lakritz does not teach or suggest the addition of a browser in the ranking scheme. Similarly, Shimamoto fails to teach or suggest using a browser as a language source, and the Examiner has already acknowledged that Shimamoto does not teach ranking languages (by citing to Lakritz for this concept).
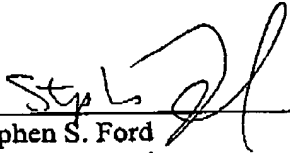
Because Shimamoto, Lakritz, and Turner fail to teach or support the ranking of languages from a directory entry, location information, and a browser, claims 12, 21, and 30

are patentable under 35 U.S.C. § 103(a) over Shimamoto in view of Lakritz and Turner. Accordingly, claims 12, 21, and 30 are allowable.

For the foregoing reasons, reconsideration and allowance of claims 1-4, 6-11, 21-28, 30-32, and 34-38 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Stephen S. Ford
Reg. No. 35,139

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 45842